

## **REMARKS**

### **I. Formal Matters**

Claims 1, 8, and 10-15 have been amended. Claims 1 and 10 have been amended to remove typographical errors. Claim 8 has been amended to provide antecedent basis for the cavity. Claims 11-15 have been amended to provide proper claim dependency, either directly or indirectly, from Applicants' allowed Claim 10. The Specification has been amended to reflect Applicants' claim for priority, as requested by the Examiner. The priority information is reflected in the 35 U.S.C. §371 national stage entry documents previously submitted. No new matter has been added.

Attached hereto is a marked-up version of the changes made to the Specification and claims by the current Amendments. The attached page is captioned **"VERSION WITH MARKINGS TO SHOW CHANGES MADE."**

### **II. Allowed Subject Matter**

The Examiner has indicated that Claim 10 is allowed. Applicants sincerely thank the Examiner.

### **III. Objections to the Specification**

The Examiner has objected to the Specification for incorporating superfluous matter; i.e., a listing of the inventors. Applicants, by Amendment, have deleted the inventors' names from page 1 of the Specification. The Examiner has also objected to the paragraph in the Specification beginning on page 3 on line 23 for failing to describe structure constituting a first side, a second side, and internal cavity, and at least one opening. Applicants respectfully direct the Examiner's attention to the Specification on page 12, line 33 – page 13, line 1, as originally filed, for Applicants' description of the first side and second side. The Examiner is also respectfully directed to page 7, lines 22-27 of the Specification, as originally filed, for Applicants' description of the terms "internal cavity" and "at least one opening."

The Examiner has also objected to the Specification for providing incomplete information for the U.S. Patent Application referenced on page 19, line 24. Further, the Examiner has objected to the Specification for Applicants' use of italics on page 24, line 24, of the Specification. Applicants have corrected these informalities by Amendment herein. Further, Applicants have corrected two informalities present in Claims 1 and 10 by amendment herein.

### **IV. Claim Objections**

The Examiner has objected to Claims 11 and 16 for failure to refer to a preceding claim. Applicants have amended Claims 11-15 to depend either directly or indirectly from Applicants'

independent Claim 10. Applicants respectfully direct the Examiner to Claim 16, which properly depends from Claim 1.

#### **V. Abstract**

The Examiner states that the instant Application does not contain an Abstract of the disclosure, as required by C.F.R. §1.72(b). Applicants are submitting a clean copy of the Abstract of the invention herein.

#### **VI. Drawings**

Applicants are submitting formal drawings to the Official Draftsperson under separate cover pursuant to M.P.E.P. §608.02(r). Applicants believe the formal drawings to be consistent with 37 C.F.R. §1.83(a) and M.P.E.P. §608.02(r). Applicants are also providing a courtesy copy of the formal drawings to the Examiner herein.

#### **VII. 35 U.S.C. §112, ¶2 Rejection**

Turning now to the Examiner's rejection of the Claims, Claim 8 was rejected under 35 U.S.C. §112, ¶2 for failure to support antecedent basis for the term "said first cavity" in line 2. Claim 8 has been amended to provide proper antecedent basis. Based upon this Amendment and a fair reading of the Specification and drawings, Applicants respectfully request that the Examiner's 35 U.S.C. §112, ¶2 rejection to Claim 8 be withdrawn.

#### **VIII. 35 U.S.C. §102(e) Rejection**

Claims 1-9 were rejected under 35 U.S.C. §102(e) over Lafosse-Marin, et al., U.S. Publication No. US 2002/0118993 A1. Applicants respectfully traverse this rejection for the following reasons:

1. The instant Application is a national stage application having an international filing date of October 10, 2000, and filed under 35 U.S.C. §371. This has been indicated in the national stage file pursuant to 37 C.F.R. 1.494(f), 37 C.F.R. 1.495(g), M.P.E.P. §1893.03(c).
2. Because the instant Application is a national stage application, 35 U.S.C. §363 provides that "an international application, designating the United States, shall have the effect, from its international filing date under Article 11 of the treaty, of a national application for patents regularly filed in the Patent and Trademark Office except as otherwise provided in Section 102(e) of this title." See M.P.E.P. §1853.03(b); *see also* PCT Article 11(3).
3. Thus, even though the instant Application entered U.S. national stage on March 27, 2002, Applicants respectfully believe the instant Application to be entitled to the international filing date of October 10, 2000 for purposes of 35 U.S.C. §102(e).

4. The *Lafosse-Marin* reference cited by the Examiner has a publication date of August 29, 2002. Therefore, Applicants believe the *Lafosse-Marin* reference is not a valid reference for purposes of 35 U.S.C. §102(e) with respect to Claim 1.

Because Applicants believe *Lafosse-Marin* to be an invalid reference under 35 U.S.C. §102(e), Applicants respectfully request withdrawal of the Examiner's 35 U.S.C. §102(e) rejection to Claim 1.

Because Claims 2-9 all depend directly or indirectly from Applicants' independent Claim 1, they contain all of the respective limitations of Claim 1. For this reason, Applicants submit that the arguments made above concerning the allowability of Claim 1 are equally applicable to the rejection of Claims 2-9 under 35 U.S.C. §102(e). Applicants therefore request reconsideration and withdrawal of the Examiner's 35 U.S.C. §102(e) rejections to 2-9.

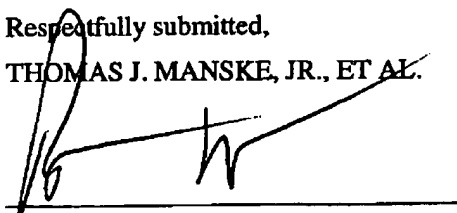
#### IV. Summary

Based on the foregoing, it is respectfully submitted that each of Applicants' remaining claims is in condition for allowance and favorable reconsideration is requested.

This response is timely filed pursuant to the provisions of 37 C.F.R. §1.8 and M.P.E.P. §512, and no fee is believed due. However, if any additional charges are due, the Examiner is hereby authorized to deduct such charge from Deposit Account No. 16-2480 in the name of The Procter & Gamble Company.

Respectfully submitted,

THOMAS J. MANSKE, JR., ET AL.



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Peter D. Meyer  
Attorney for Applicants  
Registration No. 47,792  
(513) 634-9359

June 9, 2003

Customer No. 27752

## VERSION WITH MARKINGS TO SHOW CHANGES MADE

**The Specification has been amended as follows:**

**The paragraph beginning on page 1, line 6, has been deleted as follows:**

**[INVENTORS: Thomas J. Manske, Dana P. Gruenbacher, James H. Davis, Gary C. Joseph, Piyush N. Zaveri]**

**The paragraph beginning on page 1, line 5, has been inserted as follows:**

### PRIOR APPLICATIONS

--This application is a national stage application under 35 U.S.C. §371 of PCT Application No. PCT/US00/027971 filed on October 10, 2000, and published in English, which claims the benefit of U.S. Application Serial No. 09/415,536 filed December 1, 1999 (now abandoned), which is a continuation-in-part of U.S. Application Serial No. 09/415,866 filed October 8, 1999 (now U.S. Patent No. 6,508,602 issued January 21, 2003), and which claims the benefit of U.S. Provisional Application Serial No. 60/209,062 filed on June 2, 2000 and claims the benefit of U.S. Provisional Application Serial No. 60/217,172 filed July 10, 2000.--

**The paragraph beginning on page 6, line 7, has been amended as follows:**

As used herein, the term "hand article" refers to a covering for the hand or portion of the hand such as a finger or thumb. The term "disposable" is used herein to describe hand articles that are not intended to be restored or reused (i.e., they are intended to be discarded after a single use or a limited number of uses (typically three or less), and preferably, to be recycled, composted or otherwise disposed of in an environmentally compatible manner[]). As used herein the term "glove" refers to a covering for the hand having separate sections for each finger. As used herein, the term "mitt" refers to a covering for the hand having an enclosure that leaves the fingers unseparated and that may include space for the thumb in the main enclosure or may provide space for the thumb in a separate enclosure for the thumb or may not include a thumb enclosure at all. This term is also applicable to an apparatus which covers only one or more digits of a user, such as in the case of a "finger mitt" as described below. While the terms "glove" and "mitt" have been defined with respect to the human hand, similar structures could be utilized to cover or enclose other elements of human anatomy, such as foot coverings, or other items for which coverings of a particular shape are preferred.

**The paragraph beginning on page 19, line 20, has been amended as follows:**

The mitt of the present invention may also include a heating and/or cooling element, also referred to as a temperature changing element, such as shown in Figures 7 - 28. The heating/cooling element may, for example, be located in the front panel 24 or the back panel 26. Other particular

locations that the heating/cooling element may be located in the mitt are described in detail in United States [Application Serial No. \_\_\_\_\_] Publication No. WO 01/26530 entitled "Semi-Enclosed Applicator for Distributing a Substance Onto a Target Surface" filed by Gruenbacher et al. on October 10, 2000 [(P&G Case 7819R2)], which is incorporated by reference. The heating/cooling element may include an exothermic or endothermic system that provides a heating or cooling effect, respectively. The systems may include heating/cooling by, but not limited to, an reactions, heats of solution, oxidation reactions, crystallization, corroding alloys, zeolite-liquid systems and/or heat of neutralization pH swings.

**The paragraph beginning on page 24, line 19, has been amended as follows:**

An exothermic solid-liquid heating system can include solid components such as calcium oxide, calcium carbonate, calcium sulfate, calcium chloride, cerous chloride, cesium hydroxide, sodium carbonate, ferric chloride, copper sulfate, magnesium sulfate, magnesium perchlorate, aluminum bromide, calcium aluminum hydride, aluminum chloride, sulfur trioxide (alpha form), zeolites (e.g., [Cabsorb®] Carbsorb® 500 Series natural zeolite based on the mineral [*chabazite*] chabazite), mixtures thereof and other solid components of solid-liquid exothermic systems known in the art and combinations there of. An endothermic solid-liquid cooling system can include solid components such as sodium sulfate\*10H<sub>2</sub>O, sodium bicarbonate, potassium perchlorate, potassium sulfate, potassium chloride, potassium chromate, urea, vanillin, calcium nitrate, ammonium nitrate, ammonium dichromate, ammonium chloride and other solid components of endothermic systems known in the art. These solid components may be in an anhydrous form and may be used such as in a powder, granular or prilled condition. These compounds are generally hygroscopic and dissolve in or react with a liquid component, such as water, and give off or absorb heat.

**In the Claims:**

**Claims 1, 8, 10, 11, 12, 13, 14, and 15 have been amended as follows:**

1. (Amended) A disposable, semi-enclosed applicator for distributing a substance onto a target surface comprising a first side, a second side, and an internal cavity between said first and second sides, said applicator further having at least one opening[,], such that said internal cavity is externally accessible, wherein:
  - a. said first side comprises a porous sheet containing at least 50%, by weight, non-absorbent material;
  - b. said second side comprises an absorbent sheet containing at least 50%, by weight, of cellulosic material; and

- c. wherein said applicator further comprises a substantially fluid-impervious barrier layer within said internal cavity adjacent said first side.
- 8. (Amended) The applicator of Claim 1, further comprising a friction-enhancing element located at least partially within said [first] internal cavity during use.
- 10. (Amended) A disposable, semi-enclosed applicator for distributing a substance onto a target surface comprising a first side, a second side, and an internal cavity between said first and second sides, said applicator further having at least one opening[,] such that said internal cavity is externally accessible, wherein:
  - a. said first side comprises a porous non-absorbent sheet having a basis weight of no greater than about 100 gsm;
  - b. said second side comprises an absorbent sheet having a basis weight of no greater than about 140 gsm; and
  - c. said applicator further comprises a substantially fluid-impervious barrier layer within said internal cavity adjacent said first side;
 said applicator having a Ratio of Absorbency of said second side to said first side of at least about 1.5.
- 11. (Amended) The applicator of Claim [12] 10, wherein the Ratio of Absorbency of said second side to said first side is at least about 2.
- 12. (Amended) The applicator of Claim [13] 11, wherein the Ratio of Absorbency of said second side to said first side is at least about 4.
- 13. (Amended) The applicator of Claim [12] 10, wherein said first side has a basis weight of no greater than about 75 gsm, and said second side has a basis weight of no greater than about 120 gsm.
- 14. (Amended) The applicator of Claim [12] 10, wherein said first side has a basis weight of no greater than about 55 gsm.
- 15. (Amended) The applicator of Claim [16] 14, wherein the ratio of Absorbency of said second side to said first side is at least about 4.